



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/416,902	10/13/99	MCCAFFERTY	J 28111/32729D

HM12/0918

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SAN FRANCISCO CA 94111

EXAMINER

PONNALURI, P

ART UNIT	PAPER NUMBER
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1627

3

DATE MAILED:

09/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Art Unit: 1627

DETAILED ACTION

1. The preliminary amendment filed on 10/13/99 has been fully considered and entered into the application.
2. Claims 1-43 have been canceled and new claims 44-60 have been added by the amendment filed on 10/13/99.
3. Claims 44-60 are currently pending in this application.

Please Note: In an effort to enhance communication with our customers and reduce processing time, a dedicated Fax machine is in place to receive your responses. The Fax number is 703-308-4315. A Fax cover sheet is attached to this Office Action for your convenience. We encourage your participation in this Pilot program. If you have any questions or suggestions please contact Jyothsna Venkat, Ph.D., Supervisory Patent Examiner at jyothsna.venkat@uspto.gov or 703-308-2439. Thank you in advance for allowing us to enhance our customer service. Please limit the use of this dedicated Fax number to responses to Written Restrictions.

Election/Restriction

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 44-52, drawn to a method of obtaining a specific binding pair and a method of producing a specific binding pair member, classified in class 435, subclass 7.1.
 - II. Claims 53-58, drawn to a specific binding pair member, classified in class 530, subclass 300+.

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III. Claims 59-60, drawn to nucleic acid, classified in class 536, subclass 23.1.

5. The inventions are distinct, each from the other because of the following reasons: a)

Inventions of group I and groups II-III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the products of group II and III can be made by different methods known in the art; and the process can be used to make materially different products of groups II and III.

b) Inventions of group II and group III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions of groups II (peptides) and III (nucleic acid) are drawn to structurally different products, which do not require each other for use.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

9. Applicant is required to reply to this restriction requirement within 30 days of mailing this action. See MPEP 809.2(a).

Any inquiry concerning this communication should be directed to P. Ponnaluri whose telephone number is (703) 305-3884. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jyothsna Venkat, can be reached at (703)308-2439. The fax number for this group is (703)305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)308-0196.



P. Ponnaluri
Patent Examiner
Technology center 1600
Art Unit 1627
25 August 2000



RESTRICTION ELECTION FACSIMILE TRANSMISSION

DATE:

FROM/ATTORNEY:

FIRM:

PAGES, INCLUDING COVERSHEET:

PHONE NUMBER:

TO EXAMINER: P. Ponnaluri

ART UNIT: 1627

SERIAL NUMBER: 09/416,902

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